THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 24634 of 1996

Dated: 20.02.2007

Between:

The Medical Officer,
Government Hospital (Civil),
Manuguru, Khammam District
& another.

… Petitioners

AND

Smt. C. Suguna & another.

… Respondents

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WRIT PETITION No. 24634 of 1996

ORDER:-

This writ petition is filed questioning the award passed by the Industrial Tribunal-cum-Labour Court, Warangal (for short "the Tribunal") in I.D.No.158 of 1992 dated 18.05.1996, whereby it has directed reinstatement of respondent No.1.

The facts, which are relevant for the purpose of the present case are that respondent No.1 was appointed as Sweeper on 15.08.1987 by the petitioners on consolidated pay of Rs.200/-. Her services were discontinued in the month of October 1991, therefore, the 1st respondent raised an industrial dispute before the Tribunal. The main ground on which her discontinuance was challenged was that the petitioners violated the provisions of Section 25-F of the Industrial Disputes Act 1947 (for short "the Act") by failing to issue notice or payment of compensation in lieu thereof. Apart from examining herself as WW.1, the 1st respondent also examined a Health Supervisor who worked as such in the 1st petitioner's hospital from 24.10.1990 to 14.07.1993.

Dr. Y. Chalapathi Reddy, Medical Officer, working at the relevant time was examined as MW.1. The Tribunal on an analysis of the evidence came to the conclusion that the discontinuance of the 1st respondent without following the provisions of Section 25-F of the Act

amounts to wrongful termination and it has therefore directed reinstatement of respondent No.1, but, without backwages. Feeling aggrieved by the same, the present writ petition is filed.

The Tribunal after a careful consideration of the evidence on record arrived at the conclusion that the 1st respondent was discontinued without following due procedure contemplated under Section 25-F of the Act and therefore, the termination is liable to be declared as such and accordingly, the 1st respondent was directed to be reinstated without backwages.

I have gone through the evidence of the witnesses before the Tribunal. The Medical Officer, who was examined as MW.1, in his criptic chief-examination has not even asserted that a notice was given to the 1st respondent before her services were terminated. As already noted, the sole ground on which the Tribunal granted relief was failure on the part of the petitioners to give notice as envisaged under Section 25-F of the Act. In the face of the assertion made by the 1st respondent and the absence of any denial whatsoever by the petitioners of the said assertion that the 1st respondent's services were terminated without prior notice, the award of the Tribunal cannot be said to suffer from any error either of law or of fact warranting interference by this Court under Article 226 of the Constitution of India.

For the aforementioned reasons, the writ petition fails and is accordingly dismissed with costs.

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C.V. NAGARJUNA REDDY, J

Date: 20.02.2007
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